

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> BRYAN McCROY, <div style="text-align: center;">Defendant.</div>)))))))))	8:08CR321 ORDER
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This matter is before the court on the motion regarding counsel by Michael D. Gooch representing defendant Bryan McCroy (McCroy) (Filing No. 28). The court held a hearing on the motion on October 14, 2008. The court made an *in camera* inquiry of McCroy and Mr. Gooch and finds Mr. Gooch shall remain as counsel for McCroy. The clerk shall term Filing No. 28 on the docket.

Mr. Gooch requested additional time in which to file pretrial motions. McCroy concurred in the request and stated he understood the additional time would be excluded from Speedy Trial Act computations. Accordingly, McCroy is given **until October 30, 2008**, in which to file pretrial motions according to the progression order. The additional **time** arising as a result of the granting of the request, i.e., the time between **October 14, 2008 and October 30, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 15th day of October, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge